

**Select Board  
Hearing Room  
Stoneham Town Hall  
35 Central Street  
Tuesday, February 18, 2020  
7:00 P.M.**

ITEM	TIME	DESCRIPTION	DISPOSITION
<b>Open Session (Hearing Room)</b>			
1	7:00 p.m.	Pledge of Allegiance	
2		Census 2020 Announcements	
<b>Citizens' Comments</b>			
3		Citizens' Comment	
<b>Regular Business</b>			
4		Approve Minutes: 2/4/20 (vote required)	
<b>Liquor Licensing Authority</b>			
5		Special One Day License – Saint Patrick Parish and School (vote required)	
6		Change of Directors – Bear Hill Golf Club (vote required)	
7		Change of Directors – G7/Namaste (vote required)	
<b>Regular Business</b>			
8		Bring Your Own Bottle Regulations – Kayla Vodka	

9	Budget Process/Warrant Articles – Discussion
10	Change Dates of March Meetings (vote required)
<b>Town Administrator</b>	
11	Town Administrator’s Report – Dennis Sheehan
<b>Miscellaneous</b>	
12	Non-Deliberative Announcements and Scheduling

**Minutes - Open Session  
Select Board  
Hearing Room  
Stoneham Town Hall  
35 Central Street  
Tuesday, February 4, 2020  
7:00 p.m.**

**Open Session (Hearing Room)**

**Members Present:** Chair Shelly MacNeill, Vice Chair Raymie Parker, Clerk George Seibold, Heidi Bilbo

**Also Present:** Town Administrator Dennis Sheehan

**Call to Order:** Chair MacNeill called the meeting to order at 7:00 p.m. (To view this meeting in its entirety go to Stoneham TV on Demand available from the Town's homepage at [www.stoneham-ma.gov](http://www.stoneham-ma.gov))

**Agenda Item 1: Pledge of Allegiance**

MacNeill offered condolences to Select Board Member Colarusso and her family on the passing of Colarusso's mother, Rose Plaza.

**Agenda Item 2: Census 2020 Announcement** MacNeill gave an informational presentation on the 2020 Federal Census.

**Agenda Item 3: Boys and Girls Club of Stoneham and Wakefield** Edward Dombroski, Chair of the Wakefield Town Council challenged the Select Board members to a Dodging for Dollars rematch to benefit the Boys and Girls Club of Stoneham and Wakefield.

**Agenda Item 4: Citizens' Comment** No comments were made.

**Agenda Item 5: Approve Minutes** Bilbo moved to approve the minutes of 1/21/20. Seibold seconded the motion. Voted unanimously.

**Agenda Item 6: Appointment to the High School Building Committee** Parker moved to appoint Brian McNeil, Director of Facilities, to the High School Building Committee.

**Agenda Item 7: Livery Permit/License Application** MacNeill asked if Mehmet Cinar's application for livery permit and license was in order. Kilbride stated that the application and insurance was in order and that the Board would be approving Cinar's application for permit and provisionally approving, pending vehicle inspection, the livery license. Seibold moved to

approve Cinar's application for livery permit and to approve his application for licensing pending inspection. Bilbo seconded the motion. Voted unanimously.

**Agenda item 8: Common Victualler/Entertainment License – Honey Dew Donuts** Parker moved to approve the common victualler and entertainment licenses for Honey Dew Donuts. Seibold seconded the motion. Voted unanimously.

Seibold moved to enter into the Liquor Licensing Authority to return to the Select Board. This motion was seconded by Parker. A roll call vote was taken.

Voting in favor:

Shelly MacNeill  
Raymie Parker  
George Seibold  
Heidi Bilbo

Motion passes (4-0)

**Agenda Item 9: Special One Day License – Summit Financial Partners** Parker moved to approve the one day license for Summit Financial Partners. Bilbo seconded the motion. A roll call vote was taken.

Voting in favor:

Shelly MacNeill  
Raymie Parker  
George Seibold  
Heidi Bilbo

Motion passes (4-0)

Seibold moved to exit the Liquor Licensing Authority and return to the Select Board. This motion was seconded by Parker. A roll call vote was taken.

Voting in favor:

Shelly MacNeill  
Raymie Parker  
George Seibold  
Heidi Bilbo

Motion passes (4-0)

**Agenda Item 10: Designation of Special Municipal Employees** MacNeill discussed the necessity of designating certain positions as special municipal employees and disclosed that her mother is currently utilizing the senior work-off program. Bilbo stated that each position must be voted on individually. Parker moved to designate cafeteria employees as special municipal employees. Seibold seconded the motion. Voted unanimously. Parker moved to designate election workers as special municipal employees. Bilbo seconded the motion. Voted unanimously. Parker moved to designate senior and veteran work-off employees as special

municipal employees. Seibold seconded the motion. Voted unanimously. Parker moved to designate traffic directors as special municipal employees. Bilbo seconded the motion. Voted unanimously. Parker moved to designate summer interns as special municipal employees. Seibold seconded the motion. Voted unanimously. Parker moved to designate seasonal DPW workers as special municipal employees. Bilbo seconded the motion. Voted unanimously.

**Agenda Item 15: Town Administrator's Report** Sheehan stated that Rachel Overbeck was hired as the librarian for the children's room.

**Agenda Item 16: Miscellaneous** Parker announced that it is Black History Month. Seibold stated that he spoke with Chris Scenna regarding the use of blade signs in the downtown area and that the matter would need to go before the Planning Board and Town Meeting.

Seibold moved to enter into executive session not to return to the Select Board to discuss the release of executive session materials pursuant to MGL ch.30A, sec. 21. Parker seconded the motion. A roll call vote was taken.

Voting in favor:

Shelly MacNeill  
Raymie Parker  
George Seibold  
Heidi Bilbo

Motion passes (4-0)

Respectfully submitted,

Dava Kilbride – Office Manager

## TOWN OF STONEHAM

### BRING YOUR OWN BEVERAGE (BYOB) REGULATIONS

Sec. 1. **Purpose.** The purpose of these regulations is to permit and regulate the consumption of alcoholic beverages in~~allow patrons establishments that have not been issued licenses to sell alcoholic beverages for on-premises consumption under M.G. L. c. 138 to bring~~ alcoholic beverages into an establishment for their personal consumption in a manner that will support the business community in the Town of Stoneham and encourage responsible behavior and practices by such establishments all in furtherance of the health, safety and welfare of the town, is compliant with M.G.L. c.138.

Sec. 2. **Authority.** These regulations are adopted under authority of ~~Massachusetts M.G.L. General Laws c.138, the Home Rule Amendment,~~ and the applicable provisions of the Town Code of the Town Stoneham.

Sec. 3. **Definitions.** The following words as used in this regulation, unless the context otherwise requires, shall have the following meanings:

Alcohol – per M.G.L. c.138 §1 shall mean all alcohol other than denatured alcohol or alcohol described in section three hundred and three A of chapter ninety-four of the Massachusetts General Laws.

Alcoholic beverages – per M.G.L. c.138 §1 shall mean any liquid intended for human consumption as a beverage and containing one half of one per cent or more of alcohol by volume at sixty degrees Fahrenheit.

Beer – shall be synonymous with “malt beverage”.

BYOB – “bring your own beverage” – bringing alcoholic beverages into an establishment by a patron for consumption on the premises by the patron.

Common Victualler – any establishment that has on its premises the ability to assemble, prepare, or cook food and has seating for the purpose of consuming that food on the premises.

License  
Board Stoneham Select Board or its designee

Licensing authorities – the Alcoholic Beverages Control Commission of the Commonwealth of Massachusetts (ABCC) or the local licensing authorities, or both, as the case may be.

Liquor or cordial – all alcoholic beverages manufactured or produced by mixing or redistilling or redistilling neutral spirits, brandy, gin, or other distilled spirits with or over fruits, flowers, plants

or pure juices therefrom, or other natural flavoring materials, or with extracts derived from infusions, percolations, or maceration of such materials and containing no less than two and one-half percent sugar by weight.

Local licensing authorities – the Stoneham Select Board or its designee.

Malt beverages – all alcoholic beverages manufactured or produced by the process of brewing or fermentation of malt, with or without cereal grains or fermentable sugars, or of hops, and containing not more than twelve per cent of alcohol by weight.

Wine – all fermented alcoholic beverages made from fruits, flowers, herbs or vegetables and containing not more than twenty-four per cent of alcohol by volume at sixty degrees Fahrenheit, except cider containing not more than three per cent, or containing more than six per cent, of alcohol by weight at sixty degrees Fahrenheit.

Sec. 4. **Applicability.** No person will consume alcoholic beverages on any premises open to the public for business unless a license for such is issued by the Select Board.

No patron of any ~~food~~ establishment, including but not restaurants, cafes, pubs, or any equivalent type of premises shall bring their own liquor, malt beverage, wine, or other type alcoholic beverages into a food establishment for consumption in those premises unless the establishment has been duly licensed for BYOB by the Select Board.

An establishment that wishes to allow BYOB must first obtain a BYOB license from the Stoneham Select Board.

License fee shall be not less than five ( ) annual in the town.

Sec. 5. **Eligibility.** A BYOB license:

a) Is only available for establishments that ~~serve~~provide meals and that have been issued a Common Victualler's license by the Stoneham Select Board.

b) Shall only be issued in the name of the manager and shall not be transferred without prior written approval of the licensing authority.

c) Only applies to malt beverages and wine; ~~patrons shall not be~~are not permitted to carry in ~~hard liquor or cordials of any type.~~

d) Permitted ~~Alcoholic~~ beverages may only be consumed between the hours of 5:00pm and 11:00pm by patrons seated at a table with a meal being served by the licensee at the establishment.

BYOB permit shall be valid for one year by other alcoholic beverage

Sec. 6. **Exercising the BYOB license.** The BYOB licensee, employees, or establishment may not deliver alcoholic beverages or sell alcoholic beverages directly or indirectly.

a) No alcoholic beverages of any type may be purchased or provided from within the premises.

b) The BYOB licensee, employees or establishment cannot charge the patron either directly or indirectly to consume alcoholic beverages of any type on the premises: Any service fee, glass fee, table fee, or corkage fee, etc. would be considered an indirect sale and is illegal without an alcoholic beverages license.

c) The BYOB licensee, employees, or establishment may not handle or serve any alcoholic beverages: This includes storing, refrigerating, or pouring alcoholic beverages. This would be considered a delivery of alcohol and is illegal without an alcoholic beverages license. [This does not preclude the BYOB licensee from disposing of alcoholic beverages left on the premises by the patron.]

d) Patrons are allowed to carry in permitted alcoholic beverages only for personal consumption. Patrons may carry in no more than 750ml of wine for every one or two patrons 21 years of age or older, or up to 36oz of beer per patron 21 years of age or older.

e) Patrons bringing in permitted alcoholic beverages for their personal consumption must order food.

f) Permitted ~~Al~~ alcoholic beverages brought into the premises must be in previously unopened containers.

g) Wait staff serving and bus staff clearing tables of patrons with carry-in alcoholic beverages must be 18 years of age or older.

h) Patrons under the age of 21 shall not be allowed to consume carry-in alcoholic beverages. It shall be the responsibility of the licensee to ensure that patrons who consume alcoholic beverages on the premises are 21 years of age or older. ~~ee~~ be responsible to under Massachusetts law by following applicable law and regulations and by utilizing only six ( )

i) permitted ~~a~~Alcoholic beverages are not to be consumed on the premises by an intoxicated person.

j) Patrons shall not be permitted to~~cannot~~ leave the premises with an open container of alcoholic beverages in violation of the Stoneham Town Code and open container laws, any unconsumed alcoholic beverages must be left on the premises and shall be disposed of immediately by the staff.



k) The BYOB licensee is responsible for training employees in the correct procedures with respect to applicable laws and regulations and these local BYOB laws regulations and to this policy.

l) No BYOB licensee shall permit any product containing cannabis or marijuana, as defined in 935 CMR 500.002 to be consumed on the premises.

m) ~~BYOB L~~licensees ~~shall~~must abide by all laws of M.G.L. c.138, the rules and regulations of the ~~Alcoholic Beverages Control Commission ABCC~~ and Stoneham Select Board, and ordinances of the Town of Stoneham.

n) Licensees ~~shall~~must allow inspection of any establishment issued a BYOB license by members of the Stoneham Police Department or other agent of the Select Board.

1. BYOB permit fee shall be \$45 per establishment.  
2. BYOB permit fee shall be \$1.05 per gallon of alcohol sold.  
3. BYOB permit fee shall be \$1,000,500 per establishment.

Sec. 7. **BYOB Licensee Rules and Policies.** Nothing in these regulations is construed to prevent the BYOB licensee from making rules for their establishment with regard to allowing BYOB, not in conflict with these regulations.

Sec. 8. **BYOB Licenses – Expiration.** BYOB licenses shall expire on December 31st annually and may be renewed by written application submitted not later than the December 1<sup>st</sup> preceding the expiration of the license.

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annual permit shall be submitted to the Select Board prior to the as a condition of renewal of each BYOB license for each renewal

Sec. 9. **Enforcement.** The provisions of this regulation may be enforced by any available means in law or equity, including but not limited to Massachusetts General Laws chapter 138 and 204 CMR and enforcement by noncriminal disposition pursuant to M.G.L. c.40 §21D.

When enforced through non-criminal disposition, the penalties shall be \$100.00 per each violation, with each calendar day constituting a separate violation. Any BYOB licensee violating any provision of these regulations or any of the conditions of their license will be subject to a civil penalty of \$100.00 for the 1st offense, \$200.00 for the 2nd offense, and \$300.00 for the 3rd and subsequent offense(s), ~~and~~ or suspension or revocation of their license.

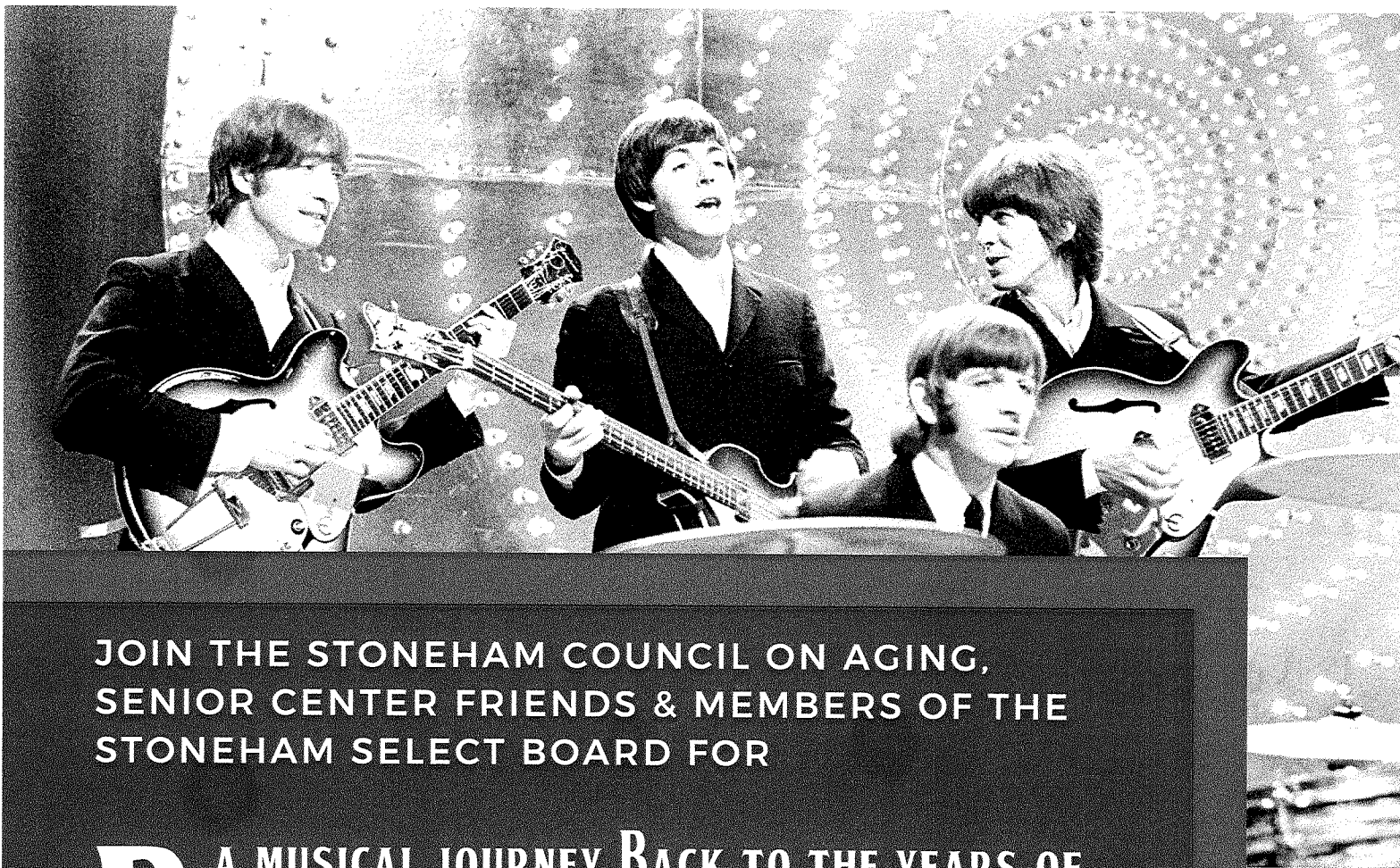
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Sec. 10. **Validity.** If any section, paragraph, subdivision, clause, or provision of these regulations shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged and the remainder of these regulations shall be deemed valid and in effect.

These regulations shall take effect upon their approval by the Select Board and shall supersede all previous regulations dealing with BYOB.

## Annual Town Meeting Calendar

Opening of the Town Meeting Warrant	Date to be determined
All boards, officers & committees of the town must submit information to Town Administrator necessary for the preparation of the budget at least 90 days prior to the Annual Town Meeting	February 4, 2020
Town Administrator gives budget to Select Board for review and comment at least 75 days prior to TM <b>(Select Board-Admin Act sec. 15)</b>	February 19, 2020
All Departments, Boards & Committees shall give Capital Committee information concerning anticipated projects during ensuing 5 years by February 28th <b>(Bylaw sec 2-37.3(c))</b>	February 28, 2020
Closing of TM Warrant must be 1st Monday in March <b>(Bylaw sec 2-7)</b>	March 2, 2020
Select Board presents a budget to the Finance & Advisory Board for review at least 55 days prior to TM <b>(Select Board-Admin Act sec. 16)</b>	March 10, 2020
Financial articles forwarded by the Select Board to the Finance & Advisory Board within 2 days of warrant closing <b>(Bylaw sec 2-6)</b>	March 4, 2020
Zoning articles (not sponsored by Planning Board) must be forwarded by Select Board to Planning Board <b>(MGL/Attorney General zoning procedure)</b>	Within 14 days of receipt of article by Select Board
Posting of Warrant in 10 public places and the Stoneham Independent <b>(Bylaw sec 2-5 and MGL Ch 39 Sec 10)</b>	On or before March 31, 2020 <b>(In Independent by March 25th)</b>
<b>Annual Town Election</b> It is held on the 1st Tuesday in April. It is Article 1 on the Town Meeting warrant <b>(Bylaw sec 2-2)</b>	April 7, 2020
Finance & Advisory Board makes recommendations on all articles under their jurisdiction and recommendations must be published at least 10 days before the Annual Town Meeting <b>(Bylaw sec 2-20)</b>	April 24, 2020
The Capital Improvement Advisory Committee's report & the Select Board's recommended Capital Budget shall be published in a manner consistent with the distribution of the Finance & Advisory Board Town Meeting recommendations <b>(Bylaw 2-37.39(e))</b>	April 26, 2019
The Capital Improvement Advisory Committee shall prepare an annual report recommending a capital Improvement budget for next fiscal year and a Capital Improvement Program including recommended capital improvements for the following 5 fiscal years. <b>(Bylaw sec 2-37.3 (d))</b>	Must be submitted to Select Board prior to Town Meeting
Finance & Advisory Board must publish a report with recommendations on the budget by the last Monday in April <b>(Bylaw sec 2-19)</b>	April 27, 2020
Motions for Town Meeting must be submitted to the Town Clerk within 3 business days of Town Meeting <b>(Bylaw sec 2-11.1)</b>	No later than April 29, 2020
The Annual Town Meeting is held the 1st Monday in May <b>(Bylaw sec 2-3)</b>	May 4, 2020



JOIN THE STONEHAM COUNCIL ON AGING,  
SENIOR CENTER FRIENDS & MEMBERS OF THE  
STONEHAM SELECT BOARD FOR

# A MUSICAL JOURNEY BACK TO THE YEARS OF **BEATLEMANIA!**

FEATURING "ONE SWEET DREAM" THE PAUL  
MCCARTNEY EXPERIENCE

**APRIL 1, 2020, 4-6PM  
TOWN HALL AUDITORIUM  
35 CENTRAL STREET**

Come to Town Hall for an afternoon of dancing, food and fun!  
This event is offered to Stoneham senior citizens at no cost.  
Food and beverages will be provided.

Please contact Dava Kilbride at 781-279-2680 to RSVP.